

Message Text

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ORIGIN L-03

INFO OCT-01 AF-10 EUR-25 ADP-00 IO-12 COA-02 EB-11 OIC-04

CIAE-00 DODE-00 PM-09 H-02 INR-10 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SS-15 USIA-12 ACDA-19 AEC-11

AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08 JUSE-00

NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02 /206 R

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AF/ N - MR. ODEALL

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P R 192103 Z APR 73

FM SECSTATE WASHDC

TO AMEMBASSY KINSHASA PRIORITY PRIORITY

AMEMBASSY LUSAKA PRIORITY

AMEMBASSY DAKAR PRIORITY

AMEMBASSY KHARTOUM PRIORITY

AMEMBASSY DAR ES SALAAM PRIORITY

AMEMBASSY YAOUNDE PRIORITY

AMEMBASSY ADDIS ABABA PRIORITY

AMEMBASSY ACCRA PRIORITY

AMEMBASSY ABIDJAN PRIORITY

AMEMBASSY NAIROBI PRIORITY

AMEMBASSY MONROVIA PRIORITY

AMEMBASSY TANANARIVE PRIORITY

AMEMBASSY BAMAKO PRIORITY

AMEMBASSY NOUAKCHOTT PRIORITY

AMEMBASSY PORT LOUIS PRIORITY

AMEMBASSY LAGOS PRIORITY

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INFO USINT ALGIERS PRIORITY

AMEMBASSY BANGUI PRIORITY

AMEMBASSY BATHURST PRIORITY
AMEMBASSY BLANTYRE PRIORITY
AMEMBASSY BUJUMBURA PRIORITY
AMEMBASSY COTONOU PRIORITY
AMEMBASSY CONAKRY PRIORITY
AMEMBASSY FORT LAMY PRIORITY
AMEMBASSY FREETOWN PRIORITY
AMEMBASSY GABORONE PRIORITY
AMEMBASSY KAMPALA PRIORITY
AMEMBASSY KIGALI PRIORITY
AMEMBASSY LIBREVILLE PRIORITY
AMEMBASSY LOME PRIORITY
AMEMBASSY MASERU PRIORITY
AMEMBASSY MBABANE PRIORITY
AMEMBASSY MOGADISCIO PRIORITY
AMEMBASSY OUAGADOUGOU PRIORITY
AMEMBASSY PRETORIA PRIORITY
AMEMBASSY RABAT PRIORITY
AMEMBASSY TRIPOLI PRIORITY
AMEMBASSY TUNIS PRIORITY
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY MOSCOW

C O N F I D E N T I A L STATE 073822

E. O. 11652: GDS

TAGS: PBOR, XA, OAU

SUBJECT: LOS - OAU AND AFRICAN POSITIONS

1. MARCH- APRIL SESSION OF U. N. SEABED COMMITTEE RECENTLY COMPLETED IN NEW YORK. THERE WAS MOVEMENT TOWARD NARROWING DIFFERENCES AND IN CERTAIN AREAS CONSENSUS SEEMS TO BE EMERGING. THERE WERE INDICATIONS THAT AFRICAN STATES MAY ATTEMPT TO PRESS FOR AN OAU RESOLUTION ESTABLISHING REGIONAL LOS POSITION AT THE MAY SUMMIT. DEPARTMENT BELIEVES THAT, DEPENDING ON ITS CONTENT, REGIONAL AFRICAN LOS POSITION COULD HAVE ADVERSE EFFECT ON LOS CONFERENCE AND THAT IT IS IMPORTANT FOR ALL STATES TO RETAIN A SUFFICIENTLY FLEXIBLE APPROACH IN ORDER TO MAINTAIN AND REINFORCE POSSIBLY EMERGING CONSENSUS (SEE PARA 3 BELOW) AND KEEP DOOR OPEN ON CRITICAL ISSUES THAT REMAIN TO BE SOLVED. THIS IS NOT MEANT TO DISCOURAGE STATES FROM STATING THEIR NATIONAL OR REGIONAL POSITIONS. WITH UPCOMING OAU MEETINGS THIS SPRING, WE ARE CONCERNED THAT REGIONAL POSITION COULD BE ADOPTED WHICH BECAUSE OF STRONG AFRICAN REGIONAL TIES WILL LOCK STATES INTO AN INFLEXIBLE POSITION WHICH MAY NOT BE WHOLLY IN KEEPING WITH THEIR

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NATIONAL INTERESTS.

2. IN VIEW OF DEPARTMENT' S CONCERN STATED ABOVE WE REQUEST EMBASSIES CONSIDER APPROACHING HOST GOVERNMENTS, RECOMMENDING

FLEXIBILITY IN ANY OAU RESOLUTION ADOPTED. WE REALIZE THAT APPROACHES ON LOS IN CERTAIN COUNTRIES MAY BE COUNTER-PRODUCTIVE. EMBASSIES SHOULD THEREFORE MAKE APPROACHES AT THEIR DISCRETION AND ONLY IN CASES WHERE THE APPROACH WOULD BE DEEMED CONSTRUCTIVE. IT MAY BE USEFUL TO MAKE APPROACHES AT VARIOUS LEVELS IN HOST GOVERNMENT AND AT VARIOUS TIMES. APPROACH SHOULD EMPHASIZE THAT US CONCERN WITH LOS INTERESTS IS A CONTINUING ONE AND WE BELIEVE AFRICAN STATES HAVE IMPORTANT ROLES TO PLAY IN LOS NEGOTIATIONS AND SHOULD NOT JEOPARDIZE THEIR INDIVIDUAL INTEREST BY A REGIONAL LOS POSITION. ACTION ADDRESSEES ARE THOSE WHOSE HOST GOVERNMENTS HAVE BEEN MOST RECEPTIVE IN PAST UN SEABED COMMITTEE MEETINGS. IF ANY INFO ADDRESSEE BELIEVES THAT AN APPROACH TO THE HOST GOVERNMENT IS APPROPRIATE, YOU ARE REQUESTED TO MAKE SUCH APPROACH AND ADVISE DEPARTMENT. LIKEWISE, ACTION ADDRESSEES SHOULD INFORM DEPARTMENT OF ACTIONS TAKEN. DEPARTMENT REQUESTS THAT EMBASSIES' APPROACHES BE ENTIRELY ORAL.

3. IN ADDRESSING ISSUE OF IMPORTANCE OF STATES RETAINING FLEXIBILITY IN ADOPTING LOS POSITIONS, PARTICULARLY ON REGIONAL BASIS, CONSISTENT WITH THEIR OVERALL OBJECTIVES, EMBASSY SHOULD DRAW UPON:

A) IMPORTANCE OF ALL STATES GOING TO GENEVA SUMMER SESSION OF SEABED COMMITTEE WITH FLEXIBILITY. GENEVA SESSION SHOULD USHER IN PERIOD OF SERIOUS NEGOTIATION.
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B) IMPORTANCE OF CONFIRMING EMERGING GLOBAL CONSENSUS ON LOS ISSUES WHERE IT ALREADY EXISTS AND OF KEEPING DOOR OPEN ON CRITICAL ISSUES THAT REMAIN TO BE RESOLVED IN ORDER TO REACH SUCCESSFUL ACCOMMODATIONS. WE CONCEIVE A CONSENSUS EMERGING ALONG FOLLOWING LINES:

(1) AGREED MAXIMUM BREADTH OF TERRITORIAL SEA OF 12 NAUTICAL MILES, ASSUMING OTHER ISSUES INCLUDING STRAITS ARE SATISFACTORILY RESOLVED.

(2) COASTAL STATES SHOULD HAVE BROAD ECONOMIC JURISDICTION OVER LIVING AND NON- LIVING RESOURCES BEYOND THE TERRITORIAL SEA SUBJECT TO SATISFACTORY MIX OF NATIONAL AND INTERNATIONAL ELEMENTS, INCLUDING FREEDOM OF NAVIGATION.

(3) INTERNATIONAL REGIME AND MACHINERY FOR THE SEABEDS SHOULD PROTECT THE INTERESTS OF INTERNATIONAL COMMUNITY AND ALL COUNTRIES.

C) WITH REGARD TO POSSIBLE OAU POSITION ON LOS, IT IS IMPORTANT THAT STATES RETAIN INDIVIDUAL FLEXIBILITY TO PROTECT THEIR NATIONAL INTERESTS. DETAILED REGIONAL APPROACHES CAN HAVE EFFECT OF UNDERMINING A STATE'S NEEDED NATIONAL NEGOTIATING FLEXIBILITY.

4. BEGIN FYI. EMBASSIES SHOULD BE AWARE OF FOLLOWING OAU SCHEDULE: GROUP OF EXPERTS MEETING, APRIL 16-20; COUNCIL OF MINISTERS MEETING, MAY 17-21; AND SUMMIT MEETING, MAY 26-28, ALL IN ADDIS ABABA. IN THIS REGARD, THE MAJOR ISSUE MAY BE WHETHER THERE SHOULD BE OAU AGREEMENT ON AN EXCLUSIVE ECONOMIC ZONE. AT UN SEABED COMMITTEE MEETINGS, KENYA AND TANZANIA WERE STRONG PRO-PONENTS OF SUCH A ZONE, WHILE ZAIRE SPOKE AGAINST IT. AT THE OAU, WEST AFRICAN STATES SUCH AS THE IVORY COAST MAY PLAY A MODERATING ROLE; WHILE LAND-LOCKED STATES IF THEY ACTIVELY PARTICIPATE MAY BE EXPECTED TO OPPOSE AN EXCLUSIVE ECONOMIC ZONE. AT THE SEABED MEETING, US DELEGATES SUGGESTED TO AFRICAN DELEGATES THAT IT WOULD
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BE IN THEIR INTEREST TO HAVE AN OAU RESOLUTION BROAD IN CHARACTER AND TO STRUCTURE IT SO AS TO FACILITATE MEANINGFUL NEGOTIATIONS AT THE COMING SUMMER PREPARATORY SESSION OR AT THE CONFERENCE ITSELF.

5. SPECIFIC RESULTS OF OAU RESOLUTIONS THAT WOULD BE DAMAGING TO LOS NEGOTIATING PROCESS AND TO US POINT OF VIEW AT THIS TIME WOULD INCLUDE:

(A) TERRITORIAL SEA BROADER THAN 12 MILES;

(B) ACCEPTANCE OF INNOCENT PASSAGE (RATHER THAN FREE TRANSIT) IN STRAITS;

(C) COASTAL STATE DETERMINATION OF THE BREADTH OF TERRITORIAL SEA AND RESOURCE JURISDICTION LIMITS;

(D) ACCEPTANCE OF EXCLUSIVE ECONOMIC ZONE.

(E) REJECTION OF BALANCED DECISION MAKING PROCEDURES FOR INTERNATIONAL MACHINERY OF DEEP SEABED AREA, REJECTION OF RIGHT OF INDIVIDUAL STATES TO EXPLOIT DEEP SEABEDS UNDER INTERNATIONAL SEABEDS REGIME AND MACHINERY, OR REJECTION OF COMPULSORY DISP

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LUSAKA
DAKAR
KHARTOUM
DAR ES SALAAM
YAOUNDE
ADDIS ABABA

ACCRA
ABIDJAN
NAIROBI
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BAMAKO
NOUAKCHOTT
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